

**DISTRICT ATTORNEY
COUNTY OF NEW YORK
ONE HOGAN PLACE
New York, N. Y. 10013
(212) 335-9000**

**OFFICER: GABRIEL BAAITH
TAX NUMBER: 942970**

DISCLOSURES

In connection with the above person, whom the People may call as a witness, please be aware of the following:

1. The New York Police Department has deemed substantiated the allegations that while assigned to the 46th Precinct, while on duty, on or about 0530 hours, on October 28, 2008, in the vicinity of [redacted] Weeks Avenue, Bronx County, Gabriel Baaith: (1) wrongfully and without just cause used force against [redacted - female witness (hereinafter FW)], to wit: he pushed FW against a wall; (2) abused his authority as a member of the New York City Police Department in that he wrongfully and without just cause held FW against a wall and hand-cuffed her; (3) abused his authority as a member of the New York City Police Department in that he wrongfully and without just cause entered FW's private building. The Civilian Complaint Review Board (CCRB) had originally investigated this matter and found substantiated the allegations of Force - Physical force Substantiated, Abuse - Other; and Abuse - Premises entered and/or searched.

This matter arose out of an encounter on October 28, 2008 at a private building on Week's Avenue that was owned by FW. Officer Baaith and his partner were looking for a civilian who had been the victim of a robbery eight or nine months earlier. The complaint report had listed a three digit building number on Weeks Avenue for the victim, but when that address did not exist, the officer decided to look on the block of Weeks Avenue that had street numbers that started with those three digits. FW's building number matched the first three digits of the given number plus an extra digit. As the officers approached the building, they saw FW looking out a second floor window and motioned for her to come downstairs. FW owned the building, a small apartment building. When she came downstairs into the building vestibule, the officers asked her whether the victim lived there, and she said that he did not. They asked her if they could enter the building, and she declined to let them. The other officer tried to open the inner door into the building, but it was locked. FW was holding the keys but declined to give them to the officers and moved her hand when Officer Baaith's partner reached for the keys.

Officer Baaith pushed her chest-first against a wall, held her there, and handcuffed her while his partner wrestled the keys away from her. She would not tell them which key opened the inner door, so the officer tried each key until he found the one that worked. At that point, he knocked on the door of the first floor tenant to ask whether he knew the person they were looking for. He explained that he had not lived there very long and did not know the person they were looking for. After

speaking with the tenant, the officers unhandcuffed FW and left. FW sought medical care because of soreness to her neck, back, and shoulders, and was diagnosed with a strained shoulder muscle.

Officer Baaith told CCRB investigators that he and his partner had arrested the perpetrator of the robbery on other charges and were looking for the victim so that they could close out the robbery complaint and charge him with that as well. Having not succeeded in locating the victim, he said that they released the perpetrator with a summons for the more recent offense. The investigators saw entries in Officer Baaith's memo book about the robbery complaint, but were unable to locate a matching arrest record or summons for the perpetrator for October 28, 2008.

2. Gabriel Baaith is a named defendant in the civil action Anthony Davis v. the City of New York, et al., 301 494-2011, filed in Bronx Supreme Court, involving a police action incident that occurred on March 11, 2009.
3. Gabriel Baaith is a named defendant in the civil action Rafael Romero v. the City of New York, et al., 304 386-11, filed in Bronx Supreme Court, involving a police action incident that occurred on April 4, 2010.
4. Gabriel Baaith is a named defendant in the civil action Richard Henderson v. the City of New York, et al., 311 476-2011, filed in Bronx Supreme Court, involving a police action incident that occurred on December 16, 2010.
5. Gabriel Baaith is a named defendant in the civil action Anthony Davis v. the City of New York, et al., 021 030/2014, filed in Bronx Supreme Court, involving a police action incident that occurred on March 2, 2011.
6. Gabriel Baaith is a named defendant in the civil action Booker Wynn v. the City of New York, et al., 12CV2869, filed in the U.S. District Court for the Southern District of New York, involving a police action incident that occurred on April 2, 2011.
7. Gabriel Baaith is a named defendant in the civil action William Gonzalez v. the City of New York, et al., 311 062-11, filed in Bronx Supreme Court, involving a police action incident that occurred on June 6, 2011.
8. The New York Police Department has deemed substantiated the allegation that Gabriel Baaith, while assigned to the 46th Precinct, on or about and between March 27, 2010 and August 9, 2010, engaged in conduct prejudicial to the good order, efficiency or discipline of the department, to wit: he on several occasions assisted and/or requested the assistance of other members of the service to prevent the processing and adjudication of several summonses issued to various individuals. He pleaded guilty to this allegation. Additional materials relating to this matter are covered by a Bronx Supreme Court protective order and can be provided to counsel if counsel signs a non-disclosure agreement in connection with this matter.

9. Gabriel Baaith is a named defendant in the civil action Angel Suarez v. the City of New York, et al., 308715/2010, filed in Bronx Supreme Court, involving a police action incident that occurred on November 17, 2011.
10. Gabriel Baaith is a named defendant in the civil action Julio Santiago v. the City of New York, et al., 3049270-12, filed in Bronx Supreme Court, involving a police action incident that occurred on November 17, 2011.

Should additional information subject to disclosure regarding this person become available, you will be advised accordingly.

Any information regarding civil law suit(s) against the officer is not necessarily a complete list of civil law suits in which that officer is a defendant.

The People reserve the right to oppose or move to limit the use in the case at hand of this information and any other information disclosed in the future.

If you have any questions in this regard, please contact the Assistant District Attorney assigned to the case in connection with which you are receiving this disclosure.